

TOWN OF RHINE MUNICIPAL CODE

**CHAPTER 14: RECYCLING ORDINANCE**

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**14.01 TITLE.** Recycling Ordinance for the Town of Rhine.

**14.02 PURPOSE.** The purpose of this Ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program as provided in Wis. Stat. § 287.11 and Wis. Admin. Code Ch. 544.

**14.03 STATUTORY AUTHORITY.** This Ordinance is adopted as authorized under Wis. Stat. § 287.09(3)(b).

**14.04 ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

**14.05 INTERPRETATION.** In its interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by the Wisconsin Statutes or by a standard in Wis. Admin. Code Ch. NR 544 and where the Ordinance provision is unclear, the provisions shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

**14.06 SEVERABILITY.** Should any portion of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

**14.07 APPLICABILITY.** The requirements of this Ordinance apply to all persons within the Town of Rhine, Sheboygan County, Wisconsin.

**14.08 ADMINISTRATION.** The provisions of this Ordinance shall be administered by the Board of Supervisors for the Town of Rhine.

**14.09 EFFECTIVE DATE.** The provisions of this Ordinance shall take effect upon adoption and posting.

**14.10 DEFINITIONS.** For the purpose of this Ordinance:

(1) **BI-METAL CONTAINER** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(2) **BRUSH and BRANCHES** means clean woody vegetative material no greater than six inches (6") in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

(3) **CONTAINER BOARD** means corrugated paperboard used in the manufacture of shipping containers and related products.

(4) **CONTRACTOR** means the entity hired or retained by the Town of Rhine to collect and dispose of materials covered by this Ordinance.

(5) **FOAM POLYSTYRENE PACKAGING** means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(a) Is designed for containing or serving food or beverages.

(b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

(c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(6) **HDPE** means high density polyethylene plastic containers marked by the SPI code No. 2.

(7) **LDPE** means low density polyethylene plastic containers marked by the SPI code No. 4.

(8) **MAGAZINES** means magazines and other materials printed on similar paper.

(9) **MAJOR APPLIANCE** means a residential or commercial air conditioner, boiler, clothes dryer, clothes washer, dehumidifier, dishwasher, freezer, furnace, microwave oven, oven, refrigerator, stove, or water heater.

(10) **MIXED OR OTHER PLASTIC RESIN TYPES** means plastic containers marked by the SPI code No. 7

(11) **MULTIPLE-FAMILY DWELLING** means a property containing five (5) or more residential units, including those which are occupied seasonally.

(12) **NEWSPAPER** means a newspaper or other materials printed on newsprint.

(13) **NON-RESIDENTIAL FACILITIES AND PROPERTIES** means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple-family dwellings. It includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling or used for special events such as, but not limited to, fairs, festivals, sport venues, conferences, and exhibits.

(14) OFFICE PAPER means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(15) OTHER RESINS OR MULTIPLE RESINS means plastic resins labeled by the SPI code No. 7.

(16) PERSON has the meaning specified in Wis. Stat. § 287.01(5m).

(17) PETE means polyethylene terephthalate plastic containers marked by the SPI code No. 1.

(18) PLASTIC CONTAINER means an individual, separate, rigid plastic bottle, can, jar, or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

(19) POST-CONSUMER WASTE means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in Wis. Stat. § 289.01(17).

(20) PP means polypropylene plastic containers marked by the SPI code No. 5.

(21) PS means polystyrene plastic containers marked by the SPI code No. 6.

(22) PVC means polyvinyl chloride plastic containers marked by the SPI code No. 3.

(23) RECYCLABLE MATERIALS includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

(24) SOLID WASTE has the meaning specified in Wis. Stat. § 289.01(33).

(25) SOLID WASTE FACILITY has the meaning specified in Wis. Stat. § 289.01(35).

(26) SOLID WASTE TREATMENT means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of solid waste. TREATMENT includes incineration.

(27) WASTE TIRE means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.

(28) YARD WASTE means leaves, grass clippings, and yard and garden debris.

**14.11 SEPARATION OF RECYCLABLE MATERIALS.** Occupants of single family and two- (2-) to four- (4-) unit residences, multiple-family dwellings, and non-residential facilities and properties shall separate the following materials from post-consumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines or other materials printed on similar paper
- (11) Newspapers or other materials printed on newsprint
- (12) Office paper
- (13) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types.
- (14) Steel containers
- (15) Waste tires

**14.12 SEPARATION REQUIREMENTS EXEMPTED.** The separation requirements of Section 14.11 do not apply to the following:

(1) Occupants of single family and two- (2-) to four- (4-) unit residences, multiple-family dwellings, and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 14.11 from solid waste in as pure a form as is technically feasible.

(2) Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel in accordance with Wis. Stats. § 287.07(7)(bg).

(3) A recyclable material specified in Section 14.11 for which a variance or exemption has been granted by the Department of Natural Resources under Wis. Stat. § 287.07(7)(h) or Wis. Admin. Code Ch. NR 544.14.

**14.13 CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 14.11 shall be clean and kept free of contaminants such as food or product residue, oil, or grease or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

**14.14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, YARD WASTE, AND BRUSH.** Occupants of single family and two- (2-) to four- (4-) unit residences, multiple-family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, yard waste, and brush as follows:

- (1) Undamaged lead acid batteries shall be delivered to the designated collection site.
- (2) Major appliances shall be delivered to the designated collection site but must meet all state and federal requirements regarding preparation, placement, and collection of these items.
- (3) Waste oil will not be accepted by the Town of Rhine at its collection site and should be disposed of at private locations.
- (4) Yard waste shall be disposed of by composting, etc., of the material on the site at which it is produced.
- (5) Brush shall be delivered to the designated collection site.

**14.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.** As required by State and federal law and except as otherwise directed by the Board of Supervisors of the Town of Rhine, occupants of single family and two- (2-) to four- (4-) unit residences shall do the following for the preparation and collection of the separated materials specified in Sections 14.11(5) through (15):

- (1) Aluminum containers shall be rinsed and clean and delivered to the designated collection site.
- (2) Bi-metal containers shall be rinsed and clean and delivered to the designated collection site.
- (3) Corrugated paper or other container board shall be flattened, bundled, tied, and delivered to the designated collection site.
- (4) Foam polystyrene packaging shall be clean and delivered to the designated collection site.
- (5) Glass containers shall be clean with any covers removed and delivered to the designated collection site.
- (6) Magazines or other materials printed on similar paper shall be bundled, tied, and delivered to the designated collection site.

(7) Newspapers or other materials printed on newsprint shall be bundled, tied, and delivered to the designated collection site.

(8) Office paper shall be separated and put in a separate and acceptable container and delivered to the designated collection site.

(9) Plastic containers shall be prepared and collected as follows:

(a) Plastic containers made of PETE which are also known as "No. 1," including soda bottles, shall be rinsed and cleaned and delivered to the designated collection site.

(b) Plastic containers made of HDPE which are also known as "No. 2," including milk bottles and detergent bottles, shall be rinsed and cleaned and delivered to the designated collection site.

(c) Plastic containers made of PVC also referred to as "No. 3" shall be rinsed and cleaned and delivered to the designated collection site.

(d) Plastic containers made of LDPE also referred to as "No. 4" shall be rinsed and cleaned and delivered to the designated collection site.

(e) Plastic containers made of PP also referred to as "No. 5" shall be rinsed and cleaned and delivered to the designated collection site.

(f) Plastic containers made of PS also known as "No. 6" shall be rinsed and cleaned and delivered to the designated collection site.

(g) Plastic containers made of mixed or other plastic resin types also known as "No. 7" shall be rinsed and cleaned and delivered to the designated collection site.

(10) Steel containers shall be cleaned and delivered to the designated collection site.

(11) Waste tires shall be delivered to the designated collection site.

(12) Post-consumer waste shall be delivered to the designated collection site.

#### **14.16 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS**

(1) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in Sections 14.11(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.



(c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

(d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations, and hours of operation, and a contact person or company, including a name, address, and telephone number.

(2) The requirements specified in Subsection (1) above do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sections 14.11(5) through (15) from solid waste in as pure a form as is technically feasible.

#### **14.17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES**

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Sections 14.11(5) through (15):

(a) The owner or occupant of a new building or a building that is remodeled or expanded shall provide a designated area for separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.

(b) Provide adequate, separate containers for the recyclable materials.

(c) Notify in writing at least semi-annually all users, tenants, and occupants of the properties about the established recycling program.

(d) Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling facility.

(e) Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are to be collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

(2) The requirements specified in Subsection (1), above, do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sections 14.11(5) through (15) from solid waste in as pure a form as is technically feasible.

**14.18 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS.** No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Sections 14.11(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**14.19 HAULER LICENSING–DNR APPROVAL.** No person or corporation shall engage in the business of hauling recyclables within the Town of Rhine without being licensed by the Department of Natural Resources under Wis. Admin. Code Ch. NR 502.06.

**14.20 PROCESSING FACILITIES.** Any contractor operating in the Town of Rhine shall not transport for processing any recyclables to a processing facility unless that facility has been approved in writing by the Town of Rhine Board and by January 1, 1995, the facility has self-certified with the Wisconsin Department of Natural Resources under Wis. Admin. Code Ch. NR 544.16.

**14.21 NO DUMPING**

(1) It shall be unlawful for any person to dispose of or dump garbage in any road, street, alley, or other public place within the Town of Rhine or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the time specified by this Ordinance.

(2) No person shall place for collection any garbage at the curb of a home or non-residential building that is not owned or occupied by such person unless such arrangement has been mutually determined between temporary residents and permanent residents for the convenience of pick-up. Placement of any garbage for pick-up collection must be placed on the curbside on the day before or on the day of collection in agreement with the contracted business establishing pick-up times, dates, and types of materials to be collected. (Rev. 06/04/02)

**14.22 NON-DISPOSABLE MATERIALS.** It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, or medical waste (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

**14.23 GARBAGE FROM OUTSIDE OF MUNICIPALITY.** It shall be unlawful to bring refuse for disposal (and recyclables) from outside the boundaries of the Town of Rhine into the Town of Rhine unless specifically authorized by the Town Board of the Town of Rhine by agreement or by written permission.

**14.24 RIGHT TO REJECT MATERIALS.** The contractor employed by the Town of Rhine or the drop-off site attendant has the right to reject any recyclable material that is not prepared according to the specifications in this Ordinance or in the education material provided by the contractor to persons within the Town of Rhine. Materials may also be rejected if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The contractor employed by the Town of Rhine also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the contractor or site attendant shall notify the generator of the materials about the reasons for rejecting the items in writing. The contractor shall also keep a list of such occurrences and provide such list to the Town of Rhine Board of Supervisors upon request.

**14.25 OWNERSHIP OF RECYCLABLES AND REFUSE.** Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor or hauler.

**14.26 EXEMPTIONS.** The Board of Supervisors for the Town of Rhine reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with State law and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.

**14.27 COLLECTION SCHEDULE.** The Town of Rhine shall establish the time of collection of solid waste and recyclables and the Clerk shall provide written notice of the collection schedule at any time when the collection schedule is changed.

**14.28 SPECIAL MATERIALS.** Materials such as couches and bulky items shall be collected during a special collection at a frequency and time as directed by the Town Board for the Town of Rhine.

#### **14.29 CHARGES**

- (1) Post-consumer waste shall be accepted at the collection site at no charge.
- (2) Recyclable materials including brush, aluminum containers, corrugated paper, other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers, steel containers, and bi-metal containers shall be accepted at the collection site at no charge.
- (3) Scrap metal items shall be accepted at the collection site at no charge.
- (4) Recyclable and other materials including but not limited to lead acid batteries, major appliances, waste oil, waste tires, furniture, and television sets shall be accepted at the collection site at appropriate, reasonable charges as set by the contractor, and/or the Town Board.

#### **14.30 ENFORCEMENT**

(1) For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee, or representative of the Town of Rhine may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee, or authorized representative of the Town of Rhine who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this Ordinance may be issued a citation by a representative of the Town of Rhine authorized to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other Ordinance or law relating to the same or any other matter. Proceeding under any other Ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Section.

(3) Penalties for violating this Ordinance may be assessed as follows:

(a) Any person who violates Section 14.18 may be required to forfeit Fifty Dollars (\$50.00) for a first violation, Two Hundred Dollars (\$200.00) for a second violation, and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation.

(b) Any person who violates a provision of this Ordinance except Section 14.18 may be required to forfeit not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.